

**UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK**

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DUNKIN' DONUTS FRANCHISED :  
RESTAURANTS LLC, :  
a Delaware Limited Liability Company, :  
DD IP HOLDER LLC, :  
a Delaware Limited Liability Company, :  
BASKIN-ROBBINS FRANCHISED :  
SHOPS LLC, :  
a Delaware Limited Liability Company, and :  
BR IP HOLDER LLC, :  
a Delaware Limited Liability Company, :

Plaintiffs, :

v. :

C.A. No. 07-CV-11134 (RJH)

SUNDRAM, INC., :  
a New York Corporation, :  
SATYAM SHIVAM, INC., :  
(now known as Satyam Eastchester LLC) :  
a New York Corporation, :  
SHIVAM SUNDRAM, INC., :  
(now known as Shivam Bruckner LLC) :  
a New York Corporation, :  
TKNY PARTNERS, LLC, :  
a New York Limited Liability Company, :  
ANIL KAPOOR, :  
a resident of Massachusetts, and :  
PRAN TIKU, :  
a resident of Massachusetts, :

Defendants. :

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**CERTIFICATION OF RONALD D. DEGEN PURSUANT TO LOCAL RULE 6.1(d)**

1. I am a member of the Bar of this Court and a member of the firm of O'Rourke & Degen, PLLC, local counsel for Plaintiffs Dunkin' Donuts Franchised Restaurants LLC ("Dunkin' Donuts"), DD IP Holder LLC, Baskin-Robbins Franchised Shops LLC ("Baskin-Robbins") and BR IP Holder LLC.

2. I have been outside counsel for Dunkin' Donuts in New York State for more than 25 years and for Baskin-Robbins for more than 15 years, and am fully familiar with the facts and circumstances of this case and the operation of Dunkin' Donuts and Baskin-Robbins franchises.

3. This Certification is being submitted in support of Plaintiffs' motion for a preliminary injunction.

4. The statements made in Plaintiffs' Memorandum of Law and signed by me are hereby incorporated herein by reference and made part of this Certification.

**REASON FOR REQUEST FOR PROCEEDING BY ORDER TO SHOW CAUSE**

5. Immediate relief is needed, because Defendants have refused to cease using Plaintiffs' trademarks, trade name and trade dress. The continued use of Plaintiffs' marks infringes upon their rights under the *Lanham Act*. As demonstrated in Plaintiffs' Memorandum of Law, by using the trademarks, trade names and trade dress of Dunkin' Donuts and Baskin-Robbins, Defendants have caused and continue to cause them irreparable harm.

6. Every day consumers are purchasing Defendants' doughnuts, coffee and ice cream under the mistaken belief that they are buying Dunkin' Donuts and Baskin-Robbins products. The public is being deceived into believing that the inferior food served by Defendants is approved by and meets the high standards of Dunkin' Donuts and Baskin-Robbins. The damage that is being done to Dunkin' Donuts' and Baskin-Robbins' reputations among New York City consumers may be incapable of being repaired.

7. Unless this Court allows Plaintiffs to proceed by order to show cause, valuable time will have been lost and Defendants will be able to continue to misappropriate the Dunkin' Donuts and Baskin-Robbins trademarks, trade names and trade dress.

**CERTIFICATIONS SUBMITTED IN SUPPORT OF MOTION**

8. In support of this application Plaintiff is submitting the Certifications of Jack Laudermilk and Gary Zullig (Exhibits 1 and 2).

**NO PREVIOUS APPLICATION**

9. No previous request has been made for the relief requested herein.

I certify under penalty of perjury that the foregoing is true and correct. Executed on this  
16th day of January 2008.

/s/ Ronald D. Degen  
**RONALD D. DEGEN** (RD 7808)